

***IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT***

J.F.S, A MINOR CHILD)	
BY NEXT FRIEND AND SIBLING)	
MATTHEW P. STARBUCK)	
PLAINTIFF - APPELLANT, <i>PRO SE</i>)	CASE NUMBER: 18-2153
v)	ACTION NO: 4:18-CV-63-MSD-DEM
WILLIAMSBURG JAMES CITY COUNTY)	
SCHOOL BOARD)	
DEFENDANT - (NOT OF INTEREST))	
)	<u>MOTION - INJUNCTIVE</u>

**EMERGENCY MOTION FOR ENTRY OF AN INJUNCTIVE ORDER
AGAINST DEFENDANT**

COME NOW, MATTHEW P. STARBUCK, appearing generally as the custodian of J.F.S, the minor plaintiff-appellant, to move this honorable Court to enter an ORDER, prohibiting the release of the academic disciplinary file, as it relates to the initial COMPLAINT filed in the District Court, pending the outcome of the appeal.

STATEMENT OF THE CASE

This appeal is before the Court on the District Court's dismissal of this action as the minor is not currently represented by trained legal Counsel. The Proposed Complaint (*Motion for Leave, ECF 1, 4:18CV63-MSD-DEM*) was RECEIVED by the CLERK of the District Court on May 30, 2018, and was

considered a FILED COMPLAINT (Complaint, ECF 3, 4:18CV63-MSD-DEM) on June 13, 2018, under direction of Judge Mark Davis (*Order to Show Cause at 1, ECF 2, 4:18CV63-MSD-DEM*).

This appeal seeks reversal and remand of the DISMISSAL ORDER of the District Court, along with an ORDER to appoint counsel for the minor pending further proceedings before the District Court. The originating case sought declaratory relief, injunctive relief (to include striking the derogatory marks from his attendance and disciplinary files) and nominal monetary damages to the minor plaintiff.

MOTION AT HAND

Due to the possibility of the a delayed outcome from the appeal, and if granted, retrial at the District Court, that J.F.S. will be greatly prejudiced by the delay if a post-secondary academic body requests the disciplinary record of the minor. Post-secondary academic bodies (colleges and universities namely) typically will begin to review and request more information from questionable candidate students between the November and December months. Some schools in which the minor has applied too, are known for requesting copies of the disciplinary file, which requires the student and guardian permission. However, the

transmission of the file, which could result in a non-acceptance, before the appeal, and possible retrial, would be prejudicial to the minor. This is furthered in the event the file is ordered to be cleared in accordance with the requested relief sought in the originating case as the collegiate body has already reviewed a then nullified record.

WHEREFORE, for the foregoing reasons, Matthew P. Starbuck, general guardian of J.F.S, the minor appellant, herein requests this Court to ORDER the disciplinary and attendance file of J.F.S to be herein SEALED and BARRED from transmission to any outside agency, person, aside from the Williamsburg - James City County School Board themselves, without leave of this Court or another Court of equal jurisdiction, pending the outcome of the appeal and retrial, if granted.

A supplemental MOTION from the minor may follow under seal, with a redacted version filed.

So respectfully requested.



Matthew P. Starbuck
General Guardian of Plaintiff
4615 Sir Gilbert Loop
Williamsburg, Virginia 23185